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5 BILL NO 72-12-38

6 GENERAL ORDINANCE NO.

Withdrawn

7 AN ORDINANCE to ensure housing consumer protec-
8 tion through Minimum Housing Code by providing
9 for inspection and notification of inspection
10 and placing time limitation on Building permits.

11 WHEREAS, the housing consumer protection of all citizens of
12 community in the Purchase, sale and rental of dwelling houses is deemed to
13 be in the public interest.

14 WHEREAS, substandard housing is one of the most serious problems
15 existing in the City of Fort Wayne, Indiana affecting the physical and
16 mental health of the inhabitants of said City, creating blight which affects
17 property values throughout many sections of the City and which renders the
18 operation of commercial enterprises impracticable in many sections of
19 said City; and

20 WHEREAS, it is essential that some reasonable control measures by
21 adopted to prevent blight;

22 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
23 FORT WAYNE, INDIANA:

24 SECTION 1. For the purpose of this Ordinance the term "dwelling
25 house" is defined as a place of human habitation used as a single family
26 dwelling unit, two family dwelling unit, a duplex, a multi-family building,
27 or an apartment, or a room or rooms within a building.

28 SECTION 2. The Owner, Vendor or Lessor of a dwelling house shall be
29 entitled to one (1) inspection by a representative of the Minimum Housing
30 Division of the City of Fort Wayne, Indiana free of charge in any twelve
31 (12) month consecutive period and reinspection, if required, free of
32 charge.

33 SECTION 3. The Owner, Vendor, or Lessor of a dwelling house shall
34 provide to any prospective buyer or lessee a certificate of inspection showing
35 the condition of the structure as determined by the Minimum Housing Depart-
ment of the City of Fort Wayne at some time during the

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5 previous twelve (12) calendar months.

6 SECTION 4. Any bonafide Buyer or Lessee of a structure shall have
7 the right to request one (1) free inspection from the Minimum Housing
8 Department of the City of Fort Wayne if he so desires unless a certificate
9 of inspection under Section 3 hereof, dated within the previous ninety (90)
10 days, is shown to the prospective Buyer or Lessee by the Owner, Vendor,
11 or Lessor; receipt of which is acknowledged in writing by the party requesting
12 the inspection.

13 SECTION 5. The report of any Minimum Housing Code inspection shall
14 be in writing the shall be filed in the Office of the Department of
15 Relocation and Minimum Housing of the City of Fort Wayne, Indiana, and
16 shall be open to reading by any prospective Vendee, Lessee, Sublessee,
17 Owner, Vendor, Lessor, or user of said dwelling house.

18 SECTION 6. If the Owner of any dwelling house knowingly sells
19 such house without first telling the Buyer of any violations of the
20 Minimum Housing Code that are contained in any inspection made under Section
21 3 hereof or on file in the office of the Minimum Housing Department and
22 what remedial action is necessary to bring said dwelling house into full
23 compliance, such sale for the purposes of this ordinance will be considered
24 fraudulent and the buyer will have the right to avail himself of the remedies
25 available to him under this ordinance. If, on the other hand, the owner
26 of the house corrects the violations, the Minimum Housing Division shall
27 adjust its records to reflect that the violations have been corrected, and
28 shall inform the owner in writing that his dwelling house meets Minimum
29 Housing Code requirements.

30 SECTION 7. If said dwelling house fails to comply with the Minimum
31 Housing Code of said City, the Vendor or Lessor thereof may apply to and
32 obtain from the Building Commissioner of said City a Building Permit.
33 Said Building Permit shall allow 120 days from date of its issuance for
34 work necessary for the compliance with the Minimum Housing Code of said
35 City, and be renewable if in the opinion of the Building Commissioner said

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5 extension of time is necessary.

6 SECTION 8. It shall be a misdemeanor punishable as hereafter
7 provided for any unauthorized person to remove any sign, placard or notice
8 placed by the Minimum Housing Division on any dwelling house or at the
9 premises thereof and violations of any of the provisions of the Ordinance
10 shall constitute a misdemeanor and any person, firm, or corporation violat-
11 ing any of these provisions of the Ordinance shall be fined in an amount
12 not to exceed \$500 and costs, and/or imprisonment for a term not to exceed
13 30 days.

14 SECTION 9. It shall be a Misdemeanor punishable by a fine not to
15 exceed \$500 and costs, and/or imprisonment for a term not to exceed 30 days
16 for any person to violate any of the provisions of this ordinance.

17 SECTION 10. If any Lessor believes that a tenant is creating a
18 condition which violates the Minimum Housing Code or which creates an unsafe
19 condition, he shall have the right to request an inspection by the Minimum
20 Housing Department and if the findings of the Minimum Housing Department are
21 that a tenant is indeed creating such a condition, the Lessor shall be given
22 a statement to that effect by the Minimum Housing Department and may use
23 this as evidence in any action that he may wish to bring against the tenant
24 for repair of damages.

25 SECTION 11 If any section, clause, sentence, paragraph, part or
26 provision of this Ordinance shall be held invalid by any Court, it shall
27 be conclusive presumed that this Ordinance would have been passed by the
28 Common Council without such invalid section, clause, sentence, paragraph,
29 part or provision.

30 SECTION 12. This Ordinance shall be in full force and effect from and
31 after its passage, approval by the Mayor and legal publication thereof.

32 Eugene Kraush
33 Councilman

34 Approved as to form and legality

35 John H. Logan
JOHN H. LOGAN CITY ATTORNEY

Richard B. Le

Read the first time in full and on motion by Kraus seconded by Moses and duly adopted, read the second time by title and referred to the Committee on Regulation (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.)

Date: 12/12/72 Charles M. Ebermann
CITY CLERK

Read the third time in full and on motion by _____ seconded by _____ and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
Burns	_____	_____	_____	_____	
Hinga	_____	_____	_____	_____	
Kraus	_____	_____	_____	_____	
Nuckols	_____	_____	_____	_____	
Moses	_____	_____	_____	_____	
Schmidt, D.	_____	_____	_____	_____	
Schmidt, V.	_____	_____	_____	_____	
Stier	_____	_____	_____	_____	
Talarico	_____	_____	_____	_____	

Date _____ Charles M. Ebermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

CITY CLERK
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____ at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK
Approved and signed by me this _____ day of _____, 19____ at the hour of _____ o'clock _____ m., E.S.T.

MAYOR

Bill No. G-72-12-38

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
to ensure housing consumer protection through Minimum
Housing Code by providing for inspection and notification of
inspection and placing time limitation on Building permits

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance BE WITHDRAWN ~~BE WITHDRAWN~~

Eugene Kraus, Jr. - Chairman

John Nuckols - Vice-Chairman

Vivian G. Schmidt

Paul M. Burns

Donald J. Schmidt

CONCURRED IN

4-8-75 CHARLES W. WESTERMAN, CITY CLERK

Handwritten signature: J. Allen

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John Nickols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

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Eugene Kraus, Jr. Chairman

James S. Stier, Vice-Chairman

William T. Hinga

Paul M. Burns

Vivian G. Schmidt

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

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APPROVED AS TO FORM AND LEGALITY	<i>Lyan</i>
BILL WRITTEN BY	<i>Kraus</i>
DATE INTRODUCED	12-12-72
REFERRED TO SAID STANDING COMMITTEE	<i>Kraus Regulation</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
X HOLD FILE	
PASS	
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

X	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS			
HINGA			
KRAUS			
MOSES			
NUCKOLS			
D. SCHMIDT			
V. SCHMIDT			
STIER			
TALARIGO			

COMMENTS:

Hold File